IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Second Appeal No.1346 of 2005

1. Smt.Sitabai Shriram Jadhav
and others ..Appellants

vs.

1. M/s Dalichand Rajmal & Ors. ..Respondents.

Shri R.A.Thorat for appellants.

CORAM: S.C.DHARMADHIKARI J.
18th July, 2007

P.C.

1. The only contention raised by Shri Thorat appearing for the appellant is that the suit claim was barred by law of limitation in as much as the Ruju Chitti Exh.37 could not be relied upon to save the bar of limitation. The submission is that payment made on 7th July, 1980 cannot save the bar of limitation in as much as the amount of loan advanced in 1974 ought to have been recovered by filing the suit in the year 1977 and Ruju Chitti of 1980 and filing of the suit on 6th July, 1983 can hardly be said to be facts saving the bar of limitation.

2. It is not possible to agree with this contention in as much as the Courts below have concurrently observed that the deposition so also the accounts which have been placed on record point out that some amount was paid on 10th

June, 1974. Therefore, this fact coupled with the Ruju Chitti can safely be relied upon to save the bar of limitation and that is what is precisely done by the Courts below.

3. In my view the concurrent findings of fact are consistent with the oral and documentary evidence on record. It is not a court of further appeal so as to permit reappreciation of these materials under sec.100 of the Code of Civil Procedure. No substantial question of law is raised. The second appeal is dismissed summarily.

(S.C.DHARMADHIKARI J.)